

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SAIO BARZEE,

Petitioner,

v.

23-CV-6389-FPG
ORDER

CHRISTOPHER M. YEHL, Superintendent,
Wende Correctional Facility, Erie County,

Respondent.

INTRODUCTION

Pro se Petitioner Saio Barzee, a prisoner confined at the Wende Correctional Facility, brings this Petition seeking relief under 28 U.S.C. § 2254. ECF No. 1. Because Petitioner is challenging a state court criminal conviction in Onondaga County Court, located in Syracuse, New York, this case shall be transferred to the United States District Court for the Northern District of New York.

DISCUSSION

Pursuant to 28 U.S.C. § 2241,

[w]here an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, **the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him** and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

28 U.S.C. § 2241(d) (emphasis added).

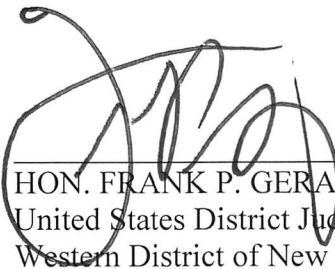
Because the Onondaga County Court is located in the Northern District of New York, the records relating to the Petitioner's underlying criminal conviction and sentence will be located in

that district. Therefore, this Court finds that the Northern District, which has concurrent jurisdiction to entertain this Petition, would be a more appropriate forum. *See* 28 U.S.C. § 2241(d); *see also Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 499 (1973); 28 U.S.C. § 1404(a) (“in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought”).

Petitioner has paid the \$5.00 filing fee and filed Motions to proceed in forma pauperis. ECF No. 2, 6. In the interest of justice, the Court orders that this case be transferred to the United States District Court for the Northern District of New York. *See* 28 U.S.C. § 1404(a). The judgment administratively closing this action, ECF No. 4, is vacated, and this Court makes no ruling on the pending Motions.

SO ORDERED.

Dated: August 21, 2023
Rochester, New York



HON. FRANK P. GERACI, JR.
United States District Judge
Western District of New York